Appl. No.: 10/531,437

Response Dated: November 17, 2006

Page 1 of 3

11/20/06

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

10/531.437

Applicant

Kazuaki Takamori, et al.

Filed

April 14, 2005

Title

PORTABLE TYPE ELECTRONIC APPARATUS

Customer No.:

000,116

Docket No.

38131

Mail Stop PCT Commissioner for Patents Office of PCT Legal Administration P.O. Box 1450

Alexandria, VA 22313-1450

### PETITION TO ACCEPT AN OATH OR DECLARATION UNDER RULE 1.47(a)

#### Dear Sir:

This petition to accept an oath or declaration under Rule 1.47(a) is filed in response to the Office of PCT Legal Administration's Attorney Advisor's DECISION ON PETITION, which was mailed on July 20, 2006. The DECISION ON PETITION afforded the applicant two months to respond, and indicated that extensions of time under 37 A prematurely issued NOTIFICATION OF CFR 1.136(a) were available. ABANDONMENT was improperly mailed on November 7, 2006. Applicants respectfully request that the NOTIFICATION OF ABANDONMENT be withdrawn.

The two month period for responding to the DECISION ON PETITION expired on September 20, 2006. Applicants respectfully request and petition that the response date be extended for two months, up to and including November 20, 2006.

In addition to this petition under Rule 1.47(a), enclosed is an amendment requesting correction of inventorship under Rule 1.48(b).

Enclosed is a check for \$780 to cover the \$200 fee for a Rule 1.47(a) petition, the \$450 fee for a two month extension of time, and the \$130 fee for an amendment to correct inventorship under Rule 1.48(b). If there are any further fees resulting from this communication not covered by the enclosed check, please charge the same to Deposit 00000073 10531437 11/24/2006 GFREY1 Account No. 16-0820, Order No. 38131.

Remarks begin on page 2.

200.00 OP 450.00 OP 130.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450. on the date indicated below.

Brad C. Spencer

Name of Attorney for Applicant(s)

November 17, 2006

Signature of Attorney / Date

Appl. No.: 10/531,437

Response Dated: November 17, 2006

Page 2 of 3

## **REMARKS**

Applicants request and petition under Rule 1.47(a) to accept the enclosed Declaration and Power of Attorney document executed by eight of the nine joint inventors, Kazuaki Takamori, Noriyoshi Sato, Kazunori Sato, Takeshi Sato, Satoshi Kosugi, Kenichi Nishikawa, Teruo Nanmoku, and Hidehiro Yanagibashi, on behalf of themselves and on behalf of the unavailable inventor. Muneoki Kamata.

The attached DECLARATION OF HIROKI SATO (hereinafter, "the Sato Declaration") and documents "A"-"D", "E1", "E2" and "F"-"I" circled provide proof of pertinent facts that, after diligent effort, inventor Muneoki Kamata could not be found or reached.

The last known address of inventor Muneoki Kamata is Maison YK-103, 533, Daimuracho, Midori-ku, Yokohama-shi, Kanagawa 226-0014, Japan. See the Sato Declaration at paragraph 1. No other address is known at which inventor Muneoki Kamata may be reached.

Hiroki Sato mailed two packages to inventor Muneoki Kamata at his last known address via Japan Post. The first package was mailed on October 10, 2006 and contained a copy of the above-referenced patent application and a Declaration and Power of Attorney Document. A copy of the front of the October 10 mailing is attached at document "C" circled and an English translation is provided at document "H" circled. See the Sato Declaration at paragraphs 2-3.

The second package was mailed the following day, on October 11, 2006, and contained a letter to inventor Muneoki Kamata requesting that he execute the Declaration and Power of Attorney Document that was sent in a separate mailing. A copy of the front and back of the October 11 mailing are attached at documents "A" and "B" circled, respectively, and English translations are provided at document "H" circled. A copy of the letter that was sent on October 11 and its English translation are provided at documents "D" and "I" circled, respectively. See the Sato Declaration at paragraphs 4-7.

As can be seen in the translation of the October 11 letter, inventor Muneoki Kamata has retired from Panasonic Mobile Communications Co., Ltd, which is owned by the assignee of the above-identified application (i.e., Matsushita Electric Industrial Co., Ltd.) The last known address of inventor Muneoki Kamata is the contact address that he provided with respect to his retirement.

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Page 3 of 3

On October 13, 2006, both the October 10 and October 11 mailings were returned to Hiroki Sato by Japan Post as undeliverable, because the mailing address was unknown. See the Sato Declaration at paragraphs 8 and 10. As can be seen in document "H" circled, the front of the mailings were marked to indicate that the address does not exist. Further evidence that the October 10 and 11 mailings were returned as undeliverable is provided at documents "E1" and "E2" circled, which show package tracking information via a website operated by Japan Post. Document "E1" circled provides tracking information for the October 10 mailing and document "E2" circled provides tracking information for the October 11 mailing. See the Sato Declaration at paragraphs 9 and 11.

After the October 10 and 11 mailings were returned as undeliverable, Hiroki Sato conducted a Google search on October 25, 2006, using inventor Muneoki Kamata's name, in an effort to locate Kamata's whereabouts. The Google search did not yield any further information about inventor Muneoki Kamata's whereabouts. Copies of the Google search results are attached at documents "F" and "G" circled.

As can be seen from the discussion above, inventor Muneoki Kamata cannot be found or reached after diligent effort. Accordingly, applicants request and petition under Rule 1.47(a) to accept the enclosed Declaration and Power of Attorney document executed by eight of the nine joint inventors, Kazuaki Takamori, Noriyoshi Sato, Kazunori Sato, Takeshi Sato, Satoshi Kosugi, Kenichi Nishikawa, Teruo Nanmoku, and Hidehiro Yanagibashi, on behalf of themselves and on behalf of the unavailable inventor, Muneoki Kamata.

Respectfully submitted,
PEARNE & GORDON LLP

By:

Brad C. Spencer, Reg. No. 57,076

1801 East 9th Street Suite 1200 Cleveland, OH 44114-3108 (216) 579-1700

November 17, 2006

# DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION

[] Submitted with I	nitial Filing	[X] Submitted after Initial Filing (Surcharge (37 CFR 1.16(e)) required
Attorney Docket No	o.: <u>38131</u>	Application Number: 10/531,437
First Named Invent	or: <u>Kazuaki Takamori</u>	Filing Date: April 14, 2005
		Group Art Unit:
		Examiner Name:
		•
As a below name	d inventor, I hereby de	eclare that:
My residence, post o	ffice address, and citizens	hip are as stated below next to my name.
I believe I am the or original, first and join	iginal, first and sole invent	tor (if only one name is listed below) or an
P	ORTABLE TYPE ELECT	RONIC APPARATUS
the specification of w	hich (check only one item	below)
[] is attached her	eto,	
OR	• •	
or r or rucking	IM/DD/YYYY) 10/15/20 tional Application Number YYYY) (if appl	2003 as United States Application Number of PCT/JP 03/13201 and was amended licable).
I hereby state that I I specification, including above.	nave reviewed and unders g the claims, as amended b	tand the contents of the above-identified by any amendment specifically referred to
I acknowledge the dutin 37 CFR 1.56.	y to disclose information w	hich is material to patentability as defined

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d), or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign  Country Application Number(s)		Foreign Filing Date Prior (MM/DD/YYYY) Claim	
JP	2002-300686	10/15/2002	YES
JP	2002-300687	10/15/2002	YES

As a named inventor, I hereby appoint practitioners at Customer No. 000116 as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to Customer Number 000116.

Please direct all correspondence and inquiries to <u>Jeffrey J. Sopko</u> at (216) 579-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1)	Inventor Name (sole or joint): Kazuaki Takamori
	Signature: Kaznaki Jakam eri
	Date: 0cf. 2, 2006
	Citizenship: Japan
	Residence (City, State, Country): Setagaya-ku, Tokyo, Japan
	Post Office Address: 4-7-18, Daita, Setagaya-ku, Tokyo 155-0033, Japan
(2)	Inventor Name (sole or joint): Norivoshi Sato
	Signature: / hornutation Solution
	Date:Oct _ 2 - 2006
	Citizenship: Japan
	Residence (City, State, Country): Yokohama-shi, Kanagawa, Japan
	Post Office Address: 133-6, Shinyoshida-cho, Kohoku-ku,
	Yokohama-shi, Kanagawa 223-0056 Japan

Inventor Name (sole or joint): Kazunori Sato	
Signature: Kayemeri Sato  Date: Sep. 14, 2006	
Date: Sep. 14, 2006	
Citizenship: <u>Japan</u>	
Residence (City, State, Country): Yokohama-shi, Kanagawa, Japan	
Post Office Address: 5-21-30-207, Tsunashimanishi, Kohoku-ku	
Yokohama-shi, Kanagawa 223-0053 Japan	
Inventor Name (sole or joint): Takeshi Sato	
Signature: Jakeshi Sato	
Date:Sep. 14, 2006	
Citizenship: <u>Japan</u>	
Residence (City, State, Country): Yokohama-shi, Kanagawa, Japan	
Post Office Address: 1-6-204, Myojindai, Hodogaya-ku	
Yokohama-shi, Kanagawa 240-0007 Japan	
Inventor Name (sole or joint): Satoshi Kosugi Signature: Satoshi Kosugi	
Date:Sep. 19, 2006	
Citizenship: Japan	
Residence (City, State, Country): Yokohama-shi, Kanagawa, Japan	
Post Office Address: 3-18-9-201, Edahigashi, Tsuzuki-ku	
Yokohama-shi, Kanagawa 224-0006 Japan	_
Inventor Name (sole or joint): Kenichi Nishikawa	
Signature: Kenichi Nishikowa	
Date: 2d 2006	
Citizenship: Japan	
Residence (City, State, Country): Yokohama-shi, Kanagawa, Japan	
Post Office Address: 4-23-20, Rokkakubashi, Kanagawa-ku,	
Yokohama-shi, Kanagawa 221-0802, Japan	

Inventor Name (sole or joint): Teruo Nanmoku	
Signature: Terud hanmofau.	
Date:Sep. 19. 2006	
Citizenship: <u>Japan</u>	
Residence (City, State, Country): Naka-gun, Kanagawa, Japan	
Post Office Address: 1522-68, Yamanishi, Ninomiyamachi,	
Naka-gun, Kanagawa 259-0124, Japan	
Inventor Name (sole or joint): Muneoki Kamata	
Signature:	
Date:	
Citizenship: <u>Japan</u>	
Residence (City, State, Country): Yokohama-shi, Kanagawa, Japan	
Post Office Address: 533-103, Daimuracho, Midori-ku,	
Yokohama-shi, Kanagawa 226-0014, Japan	
Inventor Name (sole or joint): Hidehiro Yanagibashi	
Signature: Nidehiro Managibashi	
Date: Sep. 14, 2006	
Citizenship: Japan	
Residence (City, State, Country): Kawasaki-shi, Kanagawa, Japan	_
Post Office Address: 95-1-516, Kitayacho, Nakahara-ku, Kawasaki-shi,	
Kanagawa 211-0015, Japan	

Application No.: 10/531,437 Declaration of: Mr. Hiroki Sato

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

10/531,437

Applicant

Kazuaki Takamori et al.

Filed

April 14, 2005

Tille

PORTABLE TYPE ELECTRONIC APPARATUS

Int'l. Application No.:

PCT/JP03/13201

Int'l. Filing Date

October 15, 2003

Conf. No.

TBD

TC/A.U. Examiner TBD TBD

Customer No.

000,116

Docket No.

38131

Mail Stop PCT Commissioner for Patents Office of PCT Legal Administration P.O. Box 1450 Alexandria, VA 22313-1450

# <u>DECLARATION OF HIROKI SATO</u>

#### Sir:

- I, Hiroki Sato, hereby declare that:
- 1. The last known address of Mr. Muneoki Kamata is Maison YK-103, 533, Daimuracho, Midori-ku, Yokohama-shi, Kanagawa 226-0014, Japan.
- 2. On October, 10, 2006, I sent, via Japan Post under the tracking number 64330279624, a package to Mr. Muneoki Kamata at his last known address containing a complete copy of the above-referenced patent application and a Declaration and Power of Attorney Document.
- 3. A copy of the front of the October 10, 2006 mailing is attached and labeled as document "C" circled. An English translation is provided on attached document "H" circled.

Application No.: 10/531,437 Declaration of: Mr. Hiroki Sato

- 4. On October 11, 2006, I sent, via Japan Post under the tracking number 13710181516, a letter to Mr. Muncoki Kamata at his last known address requesting that he execute the Declaration and Power of Attorney Document that was sent in a separate mailing.
- 5. A copy of the front of the October 11, 2006 mailing is attached and labeled as document "A" circled. An English translation is provided on attached document "H" circled.
- 6. A copy of the back of the October 11, 2006 mailing is attached and labeled as document "B" circled. An English translation is provided on attached document "H" circled.
- 7. A copy of the letter that I sent to Mr. Muneoki Kamata on October 11, 2006 is attached and labeled as document "D" circled. An English translation is provided on attached document "T" circled.
- 8. The package that I sent to Mr. Muneoki Kamata on October 10, 2006 was returned to me on October 13, 2006 by Japan Post as undeliverable because the mailing address was unknown.
- 9. A copy of the tracking information for the package of October 10, 2006, with English translations, is attached and labeled as document "E1" circled. The tracking information was provided on a website operated by Japan Post.
- 10. The letter that I sent to Mr. Muneoki Kamata on October 11, 2006 was returned to me by Japan Post on October 13, 2006 as undeliverable because the mailing address was unknown.
- 11. A copy of the tracking information for the letter of October 11, 2006, with English translations, is attached and labeled as document "E2" circled. The tracking information was provided on a website operated by Japan Post.
- 12. I conducted a Google search on October 25, 2006 using Mr. Muneoki Kaniata's name in

Application No.: 10/531,437 Declaration of: Mr. Hiroki Sato

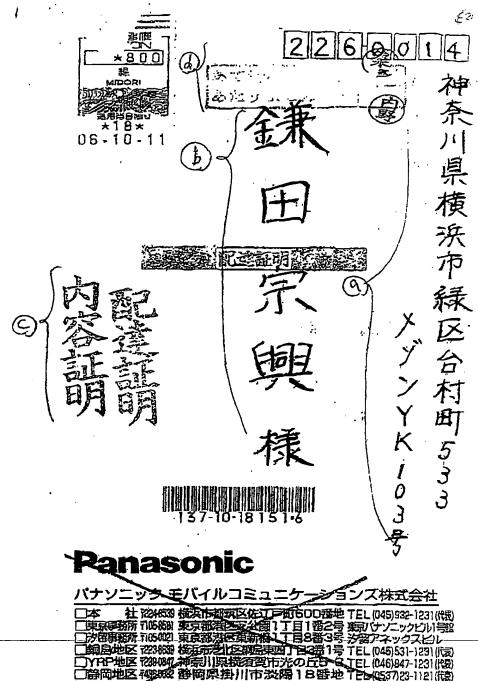
an effort to locate his whereabouts, however, the search did not yield any further information.

13. Copies of the Google search results of October 25, 2006 are attached and labeled as documents "F" and "G" circled.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful statements may jeopardize the validity of the present application or any patent issued thereon.

Hiroki Sato
Hiroki Sato

Date

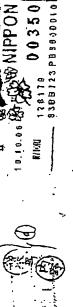


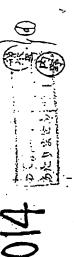


知的財産権センター 担当 佐藤浩輝パナソニックモバイルコミュニケーションス株式会社神奈川県横浜市都筑区佐江戸町600番地









**(5)** 



TEL (045)632-1231(代表) JEL (045)53)-1231(代表) TEL (048)847-1231(代表) TEL (053723-112)(代表) 3. 機張市郡與区佐江戸町600番他 3. 模浜市港北区路路東四丁目3番1号 7. 特奈川県横須賀市光の丘6-3 2. 静岡県田川市 数陽18-3 圖本 日報海地区 日YRP地区

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BEST AVAILABLE COPY



平成18年10月11日

神空川県微浜市都栗区佐江戸町600番地
パナソニック モバイルコミュニケーションズ株式会社
知的財産権センター 担当 佐藤 浩麻

### 連絡書

拝啓 野社ご在聯中は知的財産権活動にご協力頂き名離う ございました。嫌田様が発明者であるご在職中の日本特許 出版を基に現在米風特許出版の手続きを行っております。 米国特許出版の手続きを行って発明者である。 米国特許出版の手続きを行って発明者である。 水の署名が法のであります。そのため、ごとを明本をです。 すが、予めら知らせ頂いているで連絡をおですが現在といる。 連絡先が異なる可能性もございます。本郵便の配差をである。 連絡先が異なる可能性もございます。本郵便の配差をおおります。 たの性所でない場合、お手数ですが現在のご連絡先をお知 たの性下さい (別送郵便にお送りします。 きたい衆面は別送の郵便でお送りします。

この部位物は平成18年10月11日第一内容証明郵便均として益し出したことを証明

经郵便总量



TOTAL TOTAL SECTION

2006/10/13 13:49

in detail



# - scarch roughly of a registered mail

detent stage name of post office 大艇 小性 郵便局名 伏篮 **贝名** 発生日 郵便番号 المتما なんだが 10月10日 引受—received Ŷङ川県⋅ 226-8799 17:15 midoci 10月11日7:02 冲奈川 
见 225-8799 return To sender - keepirg 10月11日 保管 神奈川県 226-8799 神奈川吳 差出人に返送 あて所が不明のため 10月12日 226-8799 beautil the address 4105 10月13日 7:21 -secoled 神奈川泉 To waken 224-8799 **芝出人に返送済** み 都第 10月13日 神奈川県 224-8799 10:39 returned to するいもいとし the sender 郵便局を選べる. TOP

引き扱き追跡番号検索を行う場合は、検索対象となる郵便物に該 当する選択ボタンをクリックしてください。

郵便物	検案対象	選択ボタン
小包等	ゆうバック EXPACK ポスパケット	個別番号校派
音留	一数審賞 現金書留 商易書留 配強記録	個別番号敬敬
空朝10時	翌朝10時郵便	<b>鱼别番号铁栗 建和铁号</b> 校签
EMS	EMS 国際航空小包	<b>個別番号検索</b>

- 番留小包、スキー、 等」で検索します。 - ・ゴルフ・空港小包、冊子小包は「小包
- 国際航空小包(試験接続中)は「EMS」で検索します。 ※現在、一部の国・地域と国際航空小包について試験機続中です。
- 代金引換については、小包の場合は「小包等」で、それ以外は「害留」で検索します。 ※配達又は空口交付の時間により、引換金を当日中に送金することができない場合があります。

p://tracking.post.japanpost.jp/service/singleScarch.do?org.apache.struts.taglib.html.TOKEN=... 2006/10/13

2006/10/13 13:48



# 青田検索結果 詳細一 jeash result of a registered mail

in detail The searched number is 13 01-181516 検索した番号は13710181516 occustor ( general must) 般書留)です dose or state some of post offer 快艇 詳細 発生日 postade 10月11日 引受一TOOURS MARTI 9:14 净绕川県 226-8799 prefect the 10月11日 到29-reached てっ 型肌囊的 10:09 226-8799 18月12日 **盗出人仁返送** で所が不明のため 神奈川境 226-8799 10月13日 our, the address -Shi bby 5:35 神奈川県 22<del>6-8</del>799 75 where 10月13日 7:21 **31**33 到窗一 reciled 224-8799 差出人に逐送済 10月13日 不分 TuznEi 224-8799 remined to

引き続き追跡番号検緊を行う場合は、検案対象となる郵便物に該 当する選択ボタンをクリックしてください。

郵便局を調べる

郵便物	検索対象	選択ボタン
小包等	ゆうパック EXPACK ポスパケット	個別番号模案
梦窟	一般害留 現金實留 簡易書寫 配達記錄	<b>個別者為技索 造成後考察</b>
翌朝10時	翌朝10時郵便	個別哲學檢閱 建颖哲母検索
ems	EP\$ 国際航空小包	

The jorder

TOP

- ・ 告留小包、スキー・ゴルフ・空港小包、冊子小包は「小包 等」で検索します。
- 国際航空小包(試験接続中)は「EMS」で検索します。 ※現在、一部の図 - 地域と四原航空小包について試験接続中です。
- 代金引換については、小包の場合は「小包等」で、それ以外は「書留」で検索します。
   ※配定又は窓口交付の時間により、引換金を当日中に送金することができない場合があります。

tracking.post.japanpost.jp/service/singleSearch.do?org.apache.struts.taglib.html.TOKEN=... 2006/10/13

爾口尔與 ~ Upople 快來



ソハヘーン

ログイン

Google ホームへ

ウェブ <u>イメーシ ニュース マップ グループ テスクトップ more »</u> 鎌田宗興

接続と

☞ ウェブ全体から検索 ❸ 日本語のページを検索

ウェブ

鎌田宗興 の検索結果 約 5 件中 1-3 件目 (0.24 秒)

5 結果 がコンピュータに保存されました - 非表示 - 概要

MEMBER - 原 純子 24-7 土手 互悟 24-11 西村 英士 24-12 後藤 智 ご共願に変更の件 - 健 様 - 小杉 和司様・西川 健一様・南木 照男様

### MEMBER

24-7 土手 其倍. 24-11 西村 英士. 24-12 後藤 智之, 24-21 鎌田 宗與 24-33 矢木 博. 24-42 横山 裕. 24-77 松本 浩明. 24-101 松栗 稔. 24-111 松尾 賢治. 24-164 小官 克典. 24-555 山田 S.C.

home4.highway.ne.jp/windjam/member.html - 3k - キャンシュ - 関連ページ

### '96 Novice Cup in June Result

37. セガ・エンタープライゼス, 24-21, 鎌田 宗興, 男, 44, 44, 88. 37, セガ・エンタープライゼス, 24-23, 矢木博, 男, 44, 44, 88. 37, セガ・エンタープライゼス, 24-101, 松葉 稔, 男, 44, 44, 88. 37, セガ・エンタープライゼス, 24-101, 松葉 稔, 男, 44, 44, 88. 37, セガ・エンタープライゼス, 24-146, 小管 克典, 男, 44, 44, 88 ...

j⊂ba-hp-s.hp.infoseek.co.jp/result/result96/result07.html - 19k - キャッシュ - 関連ページ

### School member list [5/17]

生徒氏名、所属、G-5校定、池 学子、ニコン、合格、中川 健介、富士重工、河内 則明、リコー、河 内 辛子、リコー、中島 百代、リコー、鎌田 宗典、セガ、小菅 克典、セガ、後藤 智之、セガ、宝伏 美 希、横河電機 …

jcba-hp-s.hp.infoseek.co.jp/result/result97/school-may/list.html - 9k - 補足結果 - キャッシュ - 関連ページ

[他\_icba-hp-s.hp.infoseek.co.lp内のベージ]

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# Document A

- a) MaisonYK-103, 533, Daimuracho, Widori-ku, Yokohama-shi, Kanagawa 226-0014, Japan
- b) Mr. Muneoki Kamata
- c) certification of contents proof of delivery
- d) this address is not exist seals; Suzuki, Uchino

## Document B

600 Saedo-cho, Tsuzuki-ku, Yokohama City 224-8539, Japan Panasonic Mobile Communications Co.,Ltd. IP Center Hiroki Sato

## Document C

- a) MaisonYK-103, 533, Daimuracho, Midorl-ku, Yokohama-shi, Kanagawa 226-0014, Japan
- b) Mr. Muneoki Kamata
- c) record of delivery
- d) this address is not exist seals: Suzuki, Uchino



MaisonYK-103, 533, Daimuracho, Midori-ku, Yokohama-shi, Kanagawa 226-0014, Japan To: Mr. Muneoki Kamata

Panasonic Mobile Communications Co.,Ltd.

IP Center

600 Saedo-cho, Tsuzuki-ku, Yokohama City 224-8539, Japan

From: Hiroki Sato

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Thank you for your kind cooperation to our activity of IPR during you were in office. We are now handling a proceeding of a U.S. patent application based on a Japanese patent application in which you are one of the inventors. In the proceeding of the U.S. patent application, it is required a Declaration and Power of Attorney for the U.S. patent application executed by the inventors under the low. Therefore, we send a copy of the U.S. patent application and the Declaration and Power of Attorney to your contact address you informed us beforehand although you had already retired from our company. However, your contact address at retirement may be different from your current contact address. If the above address is not your current address, please kindly let us know your current contact address (we encloses an envelop for reply to a separate mail). We encloses the documents to be executed by you at the separate mail.

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